

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

KEYON ORR,

Plaintiff,

VS.

BIRMINGHAM CITY JAIL OFFICER  
CALDWELL and NURSE ALLINDA BROWN

Defendants.

2:04-CV-3470-JHH-PWG

## MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on December 9, 2006, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.<sup>1</sup>

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

**DONE** this the 11th day of January, 2006.

James H. Hancock  
FOR UNITED STATES DISTRICT JUDGE

SENIOR UNITED STATES DISTRICT JUDGE

<sup>1</sup> A copy of the magistrate judge's report and recommendation was sent to plaintiff at the last mailing address he provided the court. The document was returned as undeliverable. The defendants informed the court that plaintiff was released from the Birmingham City Jail on March 3, 2005, and his whereabouts are unknown. (Doc. #13) Plaintiff has not provided the court with a new mailing address since his release.